

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |  |
|--------------------------|---|--|
| -----                    | x |  |
|                          | : |  |
| UNITED STATES OF AMERICA | : |  |
| - v. -                   | : | CONSENT PRELIMINARY ORDER<br>OF FORFEITURE/<br><u>MONEY JUDGMENT</u> |
| KINGSLEY UCHELUE UTULU,  | : |  |
| Defendant.               | : | S1 23 Cr. 364 (PGG)  |
|                          | : |  |
| -----                    | x |  |

WHEREAS, on or about July 20, 2023, KINGSLEY UCHELUE UTULU (the “Defendant”), was charged in a six-count Indictment, S1 23 Cr. 364 (PGG) (the “Indictment”), with conspiracy to commit computer intrusions, in violation of Title 18, United States Code, Section 371 (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Counts Two and Four); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Three and Five); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028(A)(a)(1),(b), & (c)(5), and 2 (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts Two through Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 2461(c), of any and all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offense charged in Counts Two through Five of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Counts Two through Five of the Indictment;

WHEREAS, on or about March 3, 2025, the Defendant pled guilty to Count Two of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Two of the Indictment and agreed to forfeit

to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c): a sum of money representing the proceeds traceable to the commission of the offense charged in Count Two of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$290,250 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Jay Clayton, United States Attorney, Assistant United States Attorney Daniel G. Nessim, of counsel, and the Defendant and his counsel, Anthony Cecutti, Esq., that:

1. As a result of the offense charged in Count Two of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$290,250 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant KINGSLEY UCHELUE UTULU, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38<sup>th</sup> Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

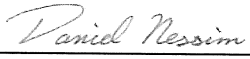
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

JAY CLAYTON  
United States Attorney for the  
Southern District of New York


By:   
DANIEL G. NESSIM  
Assistant United States Attorney  
26 Federal Plaza  
New York, NY 10278  
(212) 637-2486

6/2/2025  
DATE

KINGSLEY UCHELUE UTULU

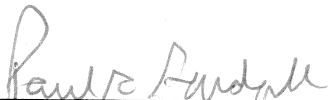
By:   
KINGSLEY UCHELUE UTULU

06/06/25  
DATE

By:   
ANTHONY CECUTTI, ESQ.  
Attorney for Defendant  
217 Broadway #707  
New York, NY 10007

6/6/25  
DATE

SO ORDERED:

  
HONORABLE PAUL G. GARDEPHE  
UNITED STATES DISTRICT JUDGE

June 6, 2025  
DATE